

H.R. 3356, To designate the United States courthouse under construction at 611 Broad Street, in Lake Charles, Louisiana, as the "Edwin Ford Hunter, Jr. United States Courthouse"

H.R. 2868, To designate the Federal building located at 600 Camp Street in New Orleans, Louisiana, as the "John Minor Wisdom United States Courthouse"

(103-41)

Y4.P96/11:

103-41

ING

BEFORE THE

SUBCOMMITTEE ON
PUBLIC BUILDINGS AND GROUNDS
OF THE
COMMITTEE ON
PUBLIC WORKS AND TRANSPORTATION
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

NOVEMBER 4, 1993

Printed for the use of the Committee on Public Works and Transportation



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H.R. 3356—TO DESIGNATE THE UNITED STATES COURTHOUSE UNDER CONSTRUCTION AT 611 BROAD STREET, IN LAKE CHARLES, LOUISIANA, AS THE “EDWIN FORD HUNTER, JR. UNITED STATES COURTHOUSE”

H.R. 2868—TO DESIGNATE THE FEDERAL BUILDING LOCATED AT 600 CAMP STREET IN NEW ORLEANS, LOUISIANA, AS THE “JOHN MINOR WISDOM UNITED STATES COURTHOUSE”

THURSDAY, NOVEMBER 4, 1993

**U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
*Washington, DC.***

The subcommittee met, pursuant to notice, at 8:32 a.m. in room 2253, Rayburn House Office Building, Hon. James A. Traficant, Jr. (chairman of the subcommittee) presiding.

Mr. TRAFICANT. The subcommittee will come to order.

The subcommittee meets this morning to receive testimony on H.R. 3356, to designate the United States Courthouse under construction in Lake Charles, Louisiana, as the “Edwin Ford Hunter, Jr. United States Courthouse,” and H.R. 2868, to designate the Federal building at 600 Camp Street in New Orleans, Louisiana, as the “John Minor Wisdom United States Courthouse.”

(1)

103D CONGRESS
1ST SESSION

H. R. 3356

To designate the United States courthouse under construction at 611 Broad Street, in Lake Charles, Louisiana, as the "Edwin Ford Hunter, Jr., United States Courthouse".

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 26, 1993

Mr. HAYES introduced the following bill; which was referred to the Committee on Public Works and Transportation

A BILL

To designate the United States courthouse under construction at 611 Broad Street, in Lake Charles, Louisiana, as the "Edwin Ford Hunter, Jr., United States Courthouse".

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. DESIGNATION.**

4 The United States courthouse under construction at
5 611 Broad Street, in Lake Charles, Louisiana, shall be
6 known and designated as the "Edwin Ford Hunter, Jr.,
7 United States Courthouse".

1 SEC. 2. REFERENCES.

2 Any reference in a law, map, regulation, document,
3 paper, or other record of the United States to the court-
4 house referred to in section 1 shall be deemed to be a ref-
5 erence to the "Edwin Ford Hunter, Jr., United States
6 Courthouse".

○

103D CONGRESS
1ST SESSION

H. R. 2868

To designate the Federal building located at 600 Camp Street in New Orleans, Louisiana, as the "John Minor Wisdom United States Courthouse".

IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 1993

Mr. JEFFERSON (for himself, Mr. LIVINGSTON, Mr. TAUZIN, Mr. FIELDS of Louisiana, Mr. MCCREERY, Mr. BAKER of Louisiana, and Mr. HAYES) introduced the following bill; which was referred to the Committee on Public Works and Transportation

A BILL

To designate the Federal building located at 600 Camp Street in New Orleans, Louisiana, as the "John Minor Wisdom United States Courthouse".

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 SECTION 1. DESIGNATION.

4 The Federal building located at 600 Camp Street in
5 New Orleans, Louisiana, shall be known and designated
6 as the "John Minor Wisdom United States Courthouse".

7 SEC. 2. REFERENCES.

8 Any reference in a law, map, regulation, document,
9 paper, or other record of the United States to the Federal

1 building referred to in section 1 shall be deemed to be
2 a reference to the "John Minor Wisdom United States
3 Courthouse".

○

Mr. TRAFICANT. I now recognize the gentleman from Tennessee.

Mr. DUNCAN. Thank you, Mr. Chairman. I will simply say that I look forward to hearing the witnesses today. I am pleased to welcome our fellow Members, Mr. Hayes and Mr. Jefferson. Also I am pleased to welcome the Deputy Administrator of GSA, Julia Stasch, to testify about the review process. This is something that I think was a good idea and I welcome and support efforts to try to save money and reduce the costs on some of these Federal Courthouse buildings and other buildings under GSA's purview. I look forward to hearing her testimony.

I certainly want to commend you, Mr. Chairman, for the leadership you are providing in calling this hearing this morning. I will have further remarks later.

Thank you very much.

Mr. TRAFICANT. Our first witness today is the distinguished Representative from Louisiana, Congressman James A. Hayes, who will testify on H.R. 3356, a bill to designate the United States Courthouse under construction at 611 Broad Street in Lake Charles, Louisiana, as the "Edwin Ford Hunter, Jr. United States Courthouse."

I would like to take this opportunity to clarify that although H.R. 3356 would name a GSA building that is leased, not owned, GSA has an express understanding with the lessor that the naming is acceptable; and that, further, this understanding will be reduced to a supplemental agreement between GSA and the lessor and made part of their lease prior to the enactment of this legislation.

I ask unanimous consent to enter into the record the documents I have just referred to. Without objection, so ordered.

[The referenced documents follow:]



General Services Administration, Region 7
819 Taylor Street
Fort Worth, TX 76102

October 27, 1993

The Honorable James A. Traficant
House of Representatives
Subcommittee on Public Buildings
and Grounds
RHOB B-376
Washington, DC 20515

Dear Representative Traficant:

Thank you for the opportunity to provide information regarding the new leased GSA Courthouse in Lake Charles, LA. HR 3356 will designate this building as the Edwin Ford Hunter, Jr., United States Courthouse. We have contacted the lessor, and he has no objection to having the building designated as the Edwin Ford Hunter, Jr., United States Courthouse, 611 Broad Street, Lake Charles, LA 70601. A letter to this effect is enclosed.

If I can be of any further assistance, please do not hesitate to call me or Walter Marcinowsky, at 817-334-3804.

Sincerely,

[Signature]
for *[Signature]*
Xrlene D. Schley
Acting Regional Administrator (7A)

Enclosure

MR. JAMES WICKETT

FOR YOUR INFO. A COPY HAS
BEEN FAILED TO CONG. TRAFICANT

Walter Marcinowsky

Mr. TRAFICANT. I support approval of this move and this remedy that has been worked out relative to the leased building. I have known Representative Hayes since he came to the Congress; he is now Chairman of the Science, Space, and Technology Committee, and I would like to welcome him here and yield to him such time as he may need.

TESTIMONY OF HON. JAMES A. HAYES, A REPRESENTATIVE IN CONGRESS FROM LOUISIANA

Mr. HAYES. Mr. Chairman, thank you. I won't take but a moment of your time; I know you have a busy schedule with witnesses on matters of importance to both your subcommittee, the committee, and to the Congress. I will simply ask your permission to insert into the record some of the items which you have mentioned, the original agreement with the lessor for the renaming of the building, along with some of the individual distinctions, a resume on Judge Hunter, and I would like that my statement be made a part of the record.

The only thing that I would like to add to that, in appreciation of the conservation of your time, is that this morning we have the distinction of having two buildings in the State of Louisiana, both of them to be named after Federal judges. At the time that I was going to school in the 1960s, in college in Louisiana, it was my desire that at a later time in life to be able to talk about the role that Federal judges played in my area and in parts of the South in bringing about integration, and in creating such an individual "unpopularity" on some occasions in their local communities for a social change brought about. Both of the judges for whom we are seeking to name buildings today fall in that category, and interestingly enough, over the passage of time both of them have now not only become most revered in their communities, but their individual character and courage during the 1950s and 1960s is always spotlighted as among the most distinguished features of their judicial careers.

With that addendum to the comments here, I very much would be happy to answer any questions, but would simply appreciate the insertion into the record and would say that for only the second time in seven years I have come to this subcommittee asking for the naming of a building. I appreciate your consideration and your support. Thank you very much.

[Mr. Hayes' prepared statement and other documents follow:]

JIMMY HAYES
7TH DISTRICT, LOUISIANA

WASHINGTON OFFICE
2432 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON DC 20515-1807
(202) 225-2031

DISTRICT OFFICES
109 EAST VERNONIUS
LAFAVETTE, LA 70501
(318) 233-4773

501 LAKESHORE DRIVE
SUITE 402
LAKE CHARLES, LA 70601
(318) 433-1613

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COMMITTEE ON
GOVERNMENT OPERATIONS
ENVIRONMENT ENERGY AND
NATURAL RESOURCES

Congress of the United States
House of Representatives
Washington, DC 20515-1807

STATEMENT OF

CONGRESSMAN JIMMY HAYES

TO THE

SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS
COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION
U.S. HOUSE OF REPRESENTATIVES

November 4, 1993

I want to express my great thanks to the Subcommittee and Chairman Traficant for holding this markup of H.R. 3356, a bill to designate the U.S. Courthouse under construction in Lake Charles, Louisiana, as the "Edwin F. Hunter, Jr. United States Courthouse."

Judge Hunter has enjoyed a long and exemplary career on the bench, starting with his appointment by President Eisenhower. Naming this courthouse in his honor is a proper tribute for all he has given to the Lake Charles community.

Judge Hunter was named as a Federal Judge in 1954 after more than a decade of private practice. He has served as a State Representative in the Louisiana Legislature, the State Chairman of the American Bar Association, Commander of the Lowe-McFarlane American Legion Post, and is a decorated Naval Officer who served in World War II. Judge Hunter currently handles 25 percent of the Lake Charles Docket and all Lake Charles Dispositive motions, in addition to Lafayette and Shreveport cases.

The courthouse naming in honor of Judge Hunter has the wide support of the entire Lake Charles and Louisiana public. I also have additional background information for inclusion in the record. Again, I greatly appreciate the Committee's work on this bill, and stand ready to assist in any way necessary to promote its passage.



HOLLBERN PROPERTIES, L.C.

P.O. Box 400 Ruston, LA 71273-0400 Telephone (318) 226-3822 Fax (318) 291-0114
1204 Shreveport Ave. Suite A Monroe, LA 71201 Telephone (318) 388-2791 Fax (318) 382-3402

October 25, 1993

Honorable James A. Hayes
U. S. House of Representatives
2432 Rayburn HOB
Washington, D. C. 20515

RE: New United States Courthouse Building
Lake Charles, Louisiana

Dear Congressman Hayes:

Hollbern Properties, L. C., the Owner of the referenced project, enthusiastically supports your Proposal for naming the referenced Building "Judge Edwin F. Hunter, Jr." Building

As you are aware, Judge Hunter has dedicated the majority of his life to serving Lake Charles and the Parish of Calcasieu thus greatly deserving in honor such as this.

I would like to personally thank you for your interest in pursuing this matter and pledge to you our continued support of your efforts.

Sincerely,

Hollbern Properties, L. C.

Bernard L. Bryant
Bernard L. Bryant, Co-Managing Partner

Ronald H. Graham
Ronald H. Graham, Co-Managing Partner

HAYES:b410

JUDGE EDWIN FORD HUNTER, JR.

Personal

Born February 18, 1911 at Alexandria, Louisiana to Mr. and Mrs. Edwin Ford Hunter; grandson of Judge and Mrs. Edwin Gardner Hunter; great-grandson of Judge and Mrs. Robert A. Hunter.

Married Shirley Kidd October 11, 1941; three children, Edwin Kidd Hunter (attorney), Janin Hunter Robert (educator), and Kelley Hunter Bowler (pharmacist); 3 grandchildren.

Professional

L.L.B. from George Washington University, 1937 (pre-law at LSU)

Practiced law in Shreveport, Louisiana, 1940-1953*

Smith, Hunter, Risinger and Shuey

U. S. Judge, Appointed by President Eisenhower, 1954-1993

Chief Judge, Western District of Louisiana, 1970-1976

Presided Federal Appellate Courts in New York, Texas, Georgia & South Carolina

LA State Chairman, American Bar Association, 1945

Commander, American Legion Post, Shreveport, LA, 1945

LA State Legislature Representative from Caddo Parish, 1948-1952

LA Campaign Manager & Executive Counsel, Governor Robert Kennon, 1952-1953

National Advisory Committee on Federal Civil Rules, 1970-1976

Military

*U.S. Navy, Lieutenant, 1942 - 1945 (Six Battle Stars)

Distinctions

Justice Department Commendation for Integration (*Time Magazine* feature), 1960

Our Lady Queen of Heaven Catholic Church Man-of-the-Year, 1991

King of Krewe Du La Contree, 1992

Significant Sig of Sigma Chi Fraternity, 1993

Other

Judge Hunter's decisions have rarely been reversed in 40 years on the bench. He is noted for efficiently getting rid of a docket of 15-20 cases per week through settlement in pre-trial conferences.

From 1953 to taking Senior status in 1976, handled at least 300 cases a year, 8000 civil cases. From 1956 to 1992 sat with 5th circuit several times a year, about 20 cases a section (about 720 cases). Also many 3-judge cases (2 district judges, 1 circuit appeals judge).

At present, 82 years of age and handles 25% of Lake Charles Docket and all Lake Charles dispositive motions, in addition to a few Lafayette and Shreveport cases. Sits occasionally by designation with the U. S. Court of Appeals for the 5th Circuit.

Enacted the 6-man civil jury later approved by U. S. Supreme Court
Presided over more admiralty cases than any judge in United States

Well known decisions: Bartie vs. U. S. Weather Bureau (Hurricane Audrey)
Railroad rate case which was adopted as decision of U.S.
Supreme Court
Leger case which has been cited over 100 times



Judge Edwin F. Hunter ended a long legal association with Alexandria when he empaneled the federal grand jury which is now in session. Judge Hunter had been sitting on the federal court bench here and in Lake Charles, but with the appointment of Judge Nauman Scott, his 17-year legal connection with Central Louisiana was ended.

A Town Talk Profile

Judge Hunter Ends A Long Tenure Here

By Bruce Broussard
(Town Talk Correspondent)

LAKE CHARLES, La. — Creation of a fourth judgeship for the U.S. District Court, Western District, domiciled at Alexandria, ended a long association between Rapides Parish and its native son federal judge.

U.S. Judge Edwin F. Hunter Jr. had served Alexandria and Lake Charles almost 17 years when he empaneled the U.S. Grand Jury that was in session in Alexandria last

Meanwhile, Judge Hunter was actively working in the Louisiana and American Bar associations. During 1946-47, he was state chairman of the junior section of the ABA. The Judge entered politics and in 1948 was elected as a state representative from Caddo Parish. He served his four-year term but did not seek reelection. In 1952 he devoted his time to managing the campaign of Gov. Robert W. Kennon.

Judge Hunter spent a brief

The transcript of Judge Hunter's speech was made in a number of places. He graduated from Alexandria High School in 1930 by Bolton High school.

Judge Hunter was born in Alexandria Feb. 13, 1911. His late father was a member of a pioneer Rapides family. His mother, the former Amalia French, was also from a prominent family. She is still a resident of Alexandria.

Alexander City

The Judge entered Louisiana State University for his pre-legal education and in 1933, he was awarded the baccalaureate law degree by George Washington University. While attending the Washington, D.C., school, he was employed as a U.S. Capitol policeman under the patronage of a fellow Al-exandrian, the late U.S. Sen. John H. Overton.

After graduation, he was admitted to the Louisiana bar. Hunter then practiced law in Springhill for two years, moving to the firm of Smith, Hunter, Risinger and Shvey in Shreveport where he stayed until his appointment to the federal judiciary.

After two years in Shreveport, Judge Hunter began service in the U.S. Navy. From 1942-45 he served on the USS Saratoga and the USS St. Paul. He was discharged from the Navy as a lieutenant.

After returning to Shreveport, the judge became active in the American Legion. In 1946 he was elected as the first World War II commander of Lowe-McFarlan's American Legion Post, a post with a membership of 4,500. He later served as judge advocate for the American Legion in Louisiana.

[Handwritten notes]

He has been on the bench since 1951. He is a member of a three-judge panel hearing the railroad rate case. The decision is looked upon as a landmark which erased discrimination.

He has been on several U.S. Fifth Circuit Court of Appeals panels. His most recent service on the appeals bench has been in the case of Carcillo-Marcello.

Judge Hunter had been indifferent about his sitting on that case as he is about his school days athletic activities.

He was an all-state football player at Bolton and was captain of the LSU team. The last thing he wants to be known as is a former state athlete, however.

Plays Golf

Judge Hunter does not consider his athletic prowess noteworthy as a newspaper story of some years ago.

The judge still plays regularly and at 59 his figure is not far off the lines of his athletic days.

He is a reluctant duck and goose hunter. Judge Hunter's wit and humor come through strong in trying migrate bird hunting violations but having to rule in such cases takes the edge off his humor. As a result, he hunts only at the urging of close friends.

The school integration decisions have possibly been the toughest for Judge Hunter. He strongly believes in settling disputes out of court. He has attempted to bring the sides together to resolve the issues while fully protecting the schools' and children.

The Judge and his wife have three children: Edwin, 18; John, 21, is a senior at LSU; and Kelley is 11.



Judge Hunter Ends A Long Tenure Here

By Bruce Broussard
(Cape Fox Correspondent)

LAKES CHARLES, La. — Creation of a fourth judicial circuit for the U.S. District Court, Western District, domiciled in Alexandria, ended a long association between Rufus P. Hunter and his native son, his erstwhile judge.

U.S. Judge Edwin F. Hunter Jr. had served Alexandria and Lake Charles almost 17 years when he expanded the U.S. Grand Jury that was in session in Alexandria last week.

Overseeing the selection was his last regular act as resident judge in the Alexandria Division of the Western District of Louisiana. Probably, he'll only return when newly-named Judge Nauman C. Scott recuses himself in a case or his workload requires outside help.

The transition is not new to Judge Hunter. He has worked in a number of places away from Alexandria since his graduation in 1930 by Bolton High school.

Judge Hunter was born in Alexandria Feb. 18, 1911. His late father was a member of a pioneer Rapides family. His mother, the former Amelia French, was also from a prominent family. She is still a resident of Alexandria.

Attended LSU

The judge entered Louisiana State University for his pre-legal education and in 1938, he was awarded the bachelor of law degree by George Washington University. While attending the Washington, D.C., school, he was employed as a U.S. Capitol policeman under the patronage of a fellow Alexandrian, the late U.S. Sen. Verna H. Overton.

After graduation, he was admitted to the Louisiana bar. Hunter then practiced law in Springfield for two years, moving to the firm of Smith, Hunter, Risinger and Shew in Shreveport where he stayed until his appointment to the federal judiciary.

After two years in Shreveport, Judge Hunter began service in the U.S. Navy. From 1942-45 he served on the USS Saratoga and the USS St. Paul. He was discharged from the Navy as a Lieutenant.

After returning to Shreveport, the judge became active in the American Legion. In

Meanwhile, Judge Hunter was actively working in the Louisiana and American Bar associations during 1946-47. He was then selected by the Louisiana section of the American Bar to represent the state in a legislative representative from Louisiania. He served his four-year term but did not seek reelection. In 1950 he devoted his time to managing the campaign of Gov. Robert S. Kennon.

Judge Hunter spent a brief period as executive counsel to the governor but returned to private practice.

Eisenhower Appointee

On Feb. 10, 1954, President Dwight D. Eisenhower appointed Hunter a federal district judge. At that time he sat on the bench of the fourth southern division — Alexandria, Lake Charles, Opelousas and Lafayette.

Judge Hunter's freedom from serving in other divisions was short lived. Last Monday he sat on a three-judge appeals court panel hearing new litigation on the north-south railroad rate case. It had been charged that railroads were charging Southern shippers higher rates than those in the North.

Some two years ago the U.S. Supreme Court upheld a decision written by Judge Hunter as a member of a three-judge panel hearing the railroad rate case. The decision is looked upon as a landmark which erased discriminatory rates.

He has been on several U.S. Fifth Circuit Court of Appeals panels. His most recent service on the appeals bench has been in the case of Carlos Marcello.

Judge Hunter had been reticent about his sitting on that case as he is about his school days athletic activities. He was an all-state football player at Bolton and was captain of the LSU tennis team. The last thing he wants to be known as is a former state athlete, however.

Plays Golf

Judge Hunter does not consider the athletic prowess a noteworthy trait as a newspaper editor of some years ago.

The judge still plays golf regularly and at 59 his figure is not far off the lines of youth.

program Spurns State Job

(New Orleans States Staff Writer)

BATON ROUGE—A Shreveport attorney, with the experience of one term in the Legislature has directed the preparation of Gov. Robert F. Kennon's legislative program and is charged with the responsibility of pushing it through.

The attorney is Edwin F. Hunter Jr., an energetic Mycoticoid man with a quick smile.

Hunter will be executive assistant to the governor.

His appointment—it has been made—will end when the Legislature completes its 60-day session, *Batson Full-Time Post*.

Hunter has elected not to accept a full-time appointment with the Kennon administration, though at least any key position is his for the taking.

He was state manager of the successful Kennon campaign which nominated the politicians of the state with its vote-gathering power. Hunter is privately uneasy about the Legislature.

He wonders about the attitude of legislators toward the Kennon program to take power out of the hands of the governor and place them with boards who would administer big spending agencies such as the highway department.

Such a program would mean less patronage jobs for the legislature.

Uncompromising in Views

Hunter is uncompromising in believing that the Kennon program for the state is the best.

"Some people call the Kennon State, whom Kennon defeated in plan a dictatorship," he said. "In the second primary,

there is anything less like a dict-Kennon Program is theirs. It's a tatorship than the plan to set up." The governor's position is this.

boards for the handling of the big said Hunter. "The majority of the spending agencies I'd like to know if legislators were elected on the Kennon ticket. Therefore the Kennon

"The big issue before the Legislature is their program and it's future, I believe," Hunter continued. "The program which will call for the loss of power by the governor."

Kennon has said it was impossible for the governor to properly administer by himself the multi-million dollar budget of the state and its various departments.

Belies on Spending Cuts

His plan is to place independent university and George Washington universities in charge of spending, verily, Washington, D. C., for these boards to be selected by citizens three years each. He got his law and business interests of the state degree at George Washington.

Hunter makes no bones about his reliance on groups of legislators not originally aligned with Kennon, or Smith, Hunter, Risinger, to carry through a program which cuts in spending—Legislature completes its 60-day month, which Kennon said will term.

"The administration is depending on the support of the Crescent City Democratic Association as well as the Old Regulars of New Orleans," he said.

The CDA supported Congressman Hale Boggs for governor and



EDWIN F. HUNTER JR.

turned to Kennon after Boggs lost in the first primary. The Old Regulars, now United with Gov. Earl

K. Long's New Orleans forces in leaving the Regular Louisiana Democratic Organization, supported Charles

"Some people call the Kennon State, whom Kennon defeated in plan a dictatorship," he said. "In the second primary,

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boards for the handling of the big said Hunter. "The majority of the spending agencies I'd like to know if legislators were elected on the Kennon ticket. Therefore the Kennon

"The big issue before the Legislature is their program and it's future, I believe," Hunter continued. "The program which will call for the loss of power by the governor."

Kennon has said it was impossible for the governor to properly administer by himself the multi-million dollar budget of the state and its various departments.

Belies on Spending Cuts

His plan is to place independent university and George Washington universities in charge of spending, verily, Washington, D. C., for these boards to be selected by citizens three years each. He got his law and business interests of the state degree at George Washington.

Hunter makes no bones about his To Resume Practice

Hunter will return to the law firm of Smith, Hunter, Risinger, and Shuey in Shreveport after the Legislature completes its 60-day

month, which Kennon said will term.

"The administration is depending on the support of the Crescent City Democratic Association as well as the Old Regulars of New Orleans," he said.

The CDA supported Congressman Hale Boggs for governor and

chose not to run again.

The Long administration, which he opposed during his term as a representative from Caddo parish,

gave him only insignificant committee posts because of his criticism of Long's program.

Mr. TRAFICANT. Mr. Duncan.

Mr. DUNCAN. Well, I certainly appreciate Mr. Hayes being here and I support his legislation.

With that, I'll yield back.

Mr. TRAFICANT. Mr. Chairman, we appreciate your being here. You're doing an outstanding job with Science, Space, and Technology. We will act on your initiative. We're glad to have you, and thank you for your straightforward remarks.

Mr. HAYES. Thank you very much, Mr. Traficant.

Mr. TRAFICANT. Naturally, I support approval of this legislation, and I thank Congressman Hayes for his testimony.

Our next witness this morning is also a Representative from Louisiana, Congressman William J. Jefferson, who will testify on H.R. 2868, a bill to designate the Federal building located at 600 Camp Street in New Orleans, Louisiana, as the "John Minor Wisdom United States Courthouse."

Mr. Jefferson, welcome. The floor is yours.

**TESTIMONY OF HON. WILLIAM J. JEFFERSON, A
REPRESENTATIVE IN CONGRESS FROM LOUISIANA**

Mr. JEFFERSON. Thank you very much, Mr. Chairman and members of the subcommittee.

I want to thank you for holding this hearing today on H.R. 2868, a bill to designate the Federal building located at 600 Camp Street in New Orleans, Louisiana, as the "John Minor Wisdom United States Courthouse."

This bill is cosponsored by all members of the Louisiana delegation, including Representatives Hayes, Livingston, Tauzin, Fields, McCrery, and Baker; and Senators Johnston and Breaux have introduced similar legislation.

Thousands of pages have been written about Judge John Minor Wisdom over the years. Among other laudatory descriptions, he has been called a "quintessential appellate judge of great courage, imagination, ingenuity, compassion, and flexibility." His opinions bore his unmistakable imprint, the Wisdom pennant, as one of his former colleagues for whom I clerked, Judge Alvin Rubin, nominated it. Of one of his opinions used to illustrate this point, Judge Rubin wrote, "It was lucid and succinct; it states the governing principle, and applies that principle to finally resolve the issue. It thus serves the ideal functions of every fine appellate opinion: clarifying the rule of law applicable to the case before the court and deciding the merits of that case."

Judge Wisdom joined the United States Court of Appeals for the Fifth Circuit in 1957 and is still an active member at the age of 88, a senior judge with an active docket.

Judge Wisdom has participated in over 5,000 reported cases and has authored over a thousand published majority opinions in his 36 years on the court. Although he has written distinguished opinions in many areas of law—from admiralty law to contracts law to Constitutional law and employment law—Judge Wisdom will be best remembered for his work in the area of civil rights.

A former colleague on the Fifth Circuit, and now a senior judge on the Eleventh Circuit, Judge Elbert Tuttle, said, "Judge Wisdom's most admired and most important decisions were in the

broad field of civil rights, primarily racial civil rights. The immediate benefits from these decisions to the parties were immeasurable. But beyond that, in the reasoning that led him to his conclusions for the court in those cases, he espoused a judicial philosophy that has redounded to the benefit of our whole society."

Some of the leading cases authored by Judge Wisdom included:

United States v. Louisiana, which suspended the State discriminatory voters' registration law;

United States v. Jefferson County Board of Education, a landmark case on school desegregation;

Meredith v. Fair, which desegregated the University of Mississippi;

Labat v. Bennet, which required the Orleans Parish jury venue to be drawn from a cross-section of the community; and

United States v. Texas Education Agency, which set new standards for school desegregation affecting Hispanics.

I have included a more extensive list of cases for the record, Mr. Chairman.

It has been written that Judge Wisdom's "task was to give effect to the Constitution in a hostile environment by teaching understanding and respect for the rule of law." A former law clerk brought the hostile environment issue to life and made it understandable to all when he wrote that Judge Wisdom's "dogs were poisoned; rattlesnakes were thrown into his garden; he and his family were kept awake during much of the night by abusive telephone calls; and he received wholesale shipments of crude and hate-filled mail," but, "Judge Wisdom was unbending in the face of such abuse and intimidation," his clerk reports, "and his conviction never wavered."

Mr. Chairman, our legal system has been enriched by Judge Wisdom's role in reshaping the law of civil rights and liberties in America and, by doing so, reshaping the very face of opportunity in America. Recalling the words penned by Maxwell Anderson in his play, Valley Forge, "There are some men who lift the age they inhabit, until all men walk on higher ground." John Wisdom is such a man. He has lifted the level of the age in which he lives by combining his love of liberty and high morality to advance human rights to a degree rarely achieved by a single individual. Thanks to him, we all stand on higher ground.

For this reason above many, many others, it is most fitting that the Federal Courthouse in New Orleans be named after this legendary figure in American Jurisprudence, Judge John Minor Wisdom.

Again, Mr. Chairman, I appreciate appearing before the subcommittee today and your consideration of this important bill. Thank you very much. I have, for the record, a list of distinguished opinions of Judge John Minor Wisdom.

[The following was received for the record:]

DISTINGUISHED OPINIONS OF
JUDGE JOHN MINOR WISDOM

United States v. Louisiana, 225 F.Supp. 353 (E.D. La. 1963),
aff'd, 380 U.S. 145 (1965)
(Approved the freezing principle suspending state
voters' registration law; history of the
disenfranchisement of blacks in Louisiana; duty of
federal courts to protect federally created or
federally guaranteed rights).

United States v. Jefferson County Bd. of Education, 372 F.2d
836; 380 F.2d 385 (en banc), cert. denied, 389 U.S. 840
(1967)
(Landmark case on desegregation of schools by
affirmative action to desegregate "lock, stock, and
barrel")

Singleton v. Jackson Municipal Sch. Dist. (Singleton I), 342
F.2d 336 (1968); Singleton II (1966)
(Breakthrough in the slow movement of school
desegregation)

Meredith v. Fair, 298 F.2d 696 (1962); 313 F.2d 532 (1962)
(Desegregated the University of Mississippi)

United States v. City of Jackson, 318 F.2d 1 (1963)
(Desegregated bus and railroad terminals in Jackson,
Mississippi)

United States v. Barnett, 346 F.2d 99, 104 (1965)
(Dissented from court's dismissal of charges of
contempt against Governor Ross Barnett)

United States v. Cox, 342 U.S. 167, 185 (1965)
(Dissent: power of executive and judiciary against
grand jury)

United States v. Ku Klux Klan, 250 F.Supp. 330 (E.D. La.
1965)
(Injunction against the Klan to protect blacks in
Washington Parish from economic duress and physical
violence)

Labat v. Bennett, 365 F.2d 698 (1966)
(Required Orleans Parish jury system to be drawn from a
cross-section of the community)

Domrowski v. Pfister, 227 F.Supp. 556 (E.D. La. 1964,
rev'd, 380 U.S. 479 (1965)
(Supreme Court upheld dissent: Would enjoin State of
Louisiana from using legislative and judicial processes
to harass civil rights leaders by unwarranted

prosecution)

Donaldson v. O'Connor, 493 F.2d 507 (1974), aff'd, 422 U.S. 563 (1975)
(The Fourteenth Amendment guarantees the right to treatment to persons involuntarily civilly committed to a state mental hospital)

United States v. Texas Education Agency (Austin case), 467 F.2d 848 (1972); 532 F.2d 380 (1976), vacated and remanded, 429 U.S. 990 (1976); 564 F.2d 388 (1977)
(Desegregation of tri-ethnic school system; discrimination against Hispanics; de jure discrimination not confined to statutory discrimination)

* * *

Local 189, United Papermakers and Paperworkers v. United States, 416 F.2d 980 (1969), cert. denied, 397 U.S. 919 (1976)
(Landmark opinion: "Rightful place" theory adopted prohibiting awarding future jobs based on seniority system with locked in race discrimination)

James v. Stockham Valves, 559 F.2d 310 (1977)
(Deals with employment discrimination, including racially discriminatory seniority system and testing programs)

Weber v. Kaiser Aluminum, 563 F.2d 216 (1977); rev'd, 443 U.S. 193 (1979); 611 F.2d 132 (1980)
(High impact decision. Supreme Court upheld dissent: Affirmative action agreement approved allowing black employees to enter training program with less seniority than white competitors.

Cipriano v. City of Houma, 286 F.Supp. 823, rev'd, 395 U.S. 701 (1969).
(Dissent: Would hold unconstitutional state law giving only property taxpayers the right to vote on revenue bond issue)

Plante v. Gonzalez, 575 F.2d 1119 (1978), cert. denied, 439 U.S. 1129 (1979).
(Florida Sunshine Amendment constitutional)

State of Texas v. United States, 730 F.2d 339 (1984)
(Staggers Act is constitutional. National League of Cities inapplicable to statute that does not address matters indisputably attributes to state sovereignty)

DeLuna v. United States, 308 F.2d 140 (1962)

(Dealt with privilege against self-incrimination)

* * *

Dallas County v. Commercial Union Assoc. Co. Ltd., 286 F.2d 388 (1961) (Liberalized exceptions to hearsay rule: relied on for formulation of omnibus exception in Fed. R. Evid. 803(24))

* * *

Offshore Co. v. Robinson, 266 F.2d 769 (1959). Seminal case.

(Established liberal tests for what is a "vessel" and who is a "seaman")

In re Unterweser Reederei, GMBH, (Bremen v. Zapata) 428 F.2d 888 (1970); 446 F.2d 907, rev'd, 407 U.S. 1 (1972).

(Supreme Court upheld dissent: would uphold forum selection clause in towage contract containing exculpatory clause generally condemned)

* * *

Malancon v. McKeithen, 345 F.Supp. 1025 (E.D. La. 1972), aff'd, 409 U.S. 943 (1972)

(Seventh Amendment not incorporated into Fourteenth so as to require jury trials in civil cases and to bar Louisiana appellate review of the law and the facts. Review of historical background and decline of the civil jury)

Hyde v. Chevron, 697 F.2d 614 (1983)

(Contributory negligence is victim fault and therefore a defense in Louisiana strict liability cases, at least in a non-products liability or hazardous activity case)

Lartigue v. R. J. Reynolds Tobacco Co., 317 F.2d 719, cert. denied, 375 U.S. 865 (1963)

(Involved Louisiana law of products liability)

Weinert's Estate v. Commissioner, 294 F.2d 750 (1961)

(Tax consequences of carried interest arrangements in oil and gas operations)

United States v. Staph, 309 F.2d 592 (1962), rev'd, 375 U.S. 118 (1963)

(Dissented on question of community property. Supreme Court agreed with the dissent)

* * *

United Services Life Ins. Co. v. Delaney, 308 F.2d 484
(1962); 358 F.2d 714, en banc, cert. denied, 385 U.S. 846
(A passenger is not a pilot)

Borel v. Fibreboard Products Corp., 493 F.2d 1076 (1973),
cert. denied, 439 U.S. 1129
(First case to hold manufacturer of insulation material
liable to worker for failing to warn of dangers
associated with asbestos)

Great Western United Corp. v. Kidwell, 577 F.2d 1256 (1976)
(Idaho takeover statute preempted by Securities
Exchange Act of 1934 and as unconstitutional burden on
commerce)

Mr. TRAFICANT. Mr. Duncan.

Mr. DUNCAN. I want to thank our colleague for his testimony. Before coming to Congress, I spent seven and a half years as a Circuit Court judge or State trial judge in Tennessee. I can tell you that I don't think there are many judges below the level of the U.S. Supreme Court who have achieved quite the fame and the respect that Judge Wisdom has. He is probably one of the—maybe the best-known judge who has never served on the U.S. Supreme Court who is alive in this country today.

I recall when our former Governor, Lamar Alexander, was sworn in as Secretary of Education, he had Judge Wisdom come up from New Orleans to swear him in. Governor Alexander, who is a close friend of mine, was at one time a law clerk to Judge Wisdom, and I have heard him speak several times of his great respect for Judge Wisdom.

A fellow member of this subcommittee, Tom Petri from Wisconsin, also is a personal friend to Judge Wisdom and his family, and he has submitted a statement that he has requested be included in the record.

[Mr. Petri's prepared statement follows:]

STATEMENT OF HON. THOMAS E. PETRI

Mr. Chairman, I am pleased to be a cosponsor of this legislation designating the U.S. Court of Appeals Courthouse in New Orleans as the "John Minor Wisdom United States Courthouse". I have known Judge Wisdom personally for over 25 years and can truly say that no judge better deserved his name—"Wisdom."

I recall well first visiting the Judge and his family in New Orleans for Mardi Gras in 1966 at the height of the civil rights controversies before the Fifth Circuit.

The Judge already had carved out a reputation together with several of his Fifth Circuit colleagues, as a leading protector of the Constitution and Congressional will in the implementation of voting rights, school desegregation, and access to public accommodations throughout the South.

At that time, with less than ten years on the bench, Judge Wisdom already had begun building an impressive body of judicial work. Barry Sullivan, one of his former law clerks and a leading authority on the Judge, has said that, his work "stands as a sturdy testimonial to the continued importance of liberal learning in adjudication and to the view of adjudication as an exercise in intellectual and moral excellence."

As Mr. Sullivan further noted, Judge Wisdom "has written, not only with clarity, elegance and style, but also with moral courage and intellectual authority, in virtually every area of law known to the federal courts."

The naming of the courthouse in honor of Judge Wisdom will not just recall the name of one of the South's most distinguished citizens, it will also serve as a constant reminder for generations to come of that extraordinary body of wisdom—well over a thousand masterly opinions—produced by one of our country's greatest minds and moral forces.

I urge the Subcommittee to approve this legislation. Thank you, Mr. Chairman.

Mr. DUNCAN. I might just say, what a name—Judge Wisdom. I think he has lived up to that name. So I support this legislation and thank you for bringing it to our attention.

Mr. TRAFICANT. The gentlewoman from the District?

Ms. NORTON. Thank you, Mr. Chairman. I want to strongly support the bill that my good friend and good colleague, Mr. Jefferson, has brought before us this morning.

Congressman Jefferson, "legendary" is the right word for Judge Wisdom. When there were few others, Judge Wisdom was there, and I think it is a most appropriate initiative and a most appropriate way to remember one of America's great judges. Thank you very much for coming before us.

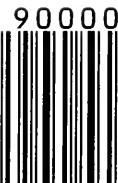
Mr. TRAFICANT. I want to associate myself with the remarks of both the distinguished colleagues here; evidently, he is very deserving. We appreciate the fine job you're doing in the Congress and we support your legislative initiative.

Mr. JEFFERSON. Thank you, Mr. Chairman, members of the committee. Thank you.

[Whereupon, at 8:45 a.m., the subcommittee proceeded to further business.]



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